

LAFAYETTE & KUMAGAI LLP
SUSAN T. KUMAGAI (State Bar No. 127667)
Email: skumagai@lkclaw.com
REBECCA K. KIMURA (State Bar No. 220420)
Email: rkimura@lkclaw.com
100 Spear Street, Suite 600
San Francisco, California 94105
Telephone: (415) 357-4600
Facsimile: (415) 357-4605

Attorneys for Defendant
AT&T UMBRELLA BENEFIT PLAN NO. 1

James P. Keenley (State Bar No. 253106)
Email: jim@boltkeenley.com
Emily A. Bolt (State Bar No. 253109)
Email: Emily@boltkeenley.com
BOLT · KEENLEY - ATTORNEYS AT LAW
1010 Grayson Street, Suite Two
Berkeley, CA 94710
Phone: (510) 225-0696
Fax: (510) 225-1095

Attorneys for Plaintiff
JUAN HUERTA

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JUAN HUERTA,
Plaintiff,

v.

AT&T UMBRELLA BENEFIT PLAN NO. 1
Defendant.

Case No.: C11-01673 (JCS)

**STIPULATION AND [PROPOSED]
ORDER ON BRIEFING SCHEDULE**

Complaint Filed: April 6, 2011

WHEREAS the Court's Civil Minute Order was filed in this action on April 6, 2012,
ordering Plaintiff Juan Huerta ("Plaintiff") and Defendant AT&T Umbrella Benefit Plan No. 1
("Defendant") (collectively, the "Parties") to meet and confer and submit a stipulated briefing

1 schedule on the Motions for Summary Judgment¹;

2 WHEREAS the Parties have met and conferred and stipulate to the following briefing
3 schedule for dispositive motions:

- 4 1. June 1, 2012: Last day for Parties to file dispositive motion;
- 5 2. June 22, 2012: Last day for Parties to file Opposition to dispositive
6 motion;
- 7 3. July 13, 2012: Last day for Parties to file Reply in support of
8 dispositive motion;
- 9 4. August 10, 2012: Hearing on Motions.

10 **IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES:**

11 The briefing schedule on the dispositive motions shall be as follows:

- 12 1. June 1, 2012: Last day for Parties to file dispositive motion;
- 13 2. June 22, 2012: Last day for Parties to file Opposition to dispositive
14 motion;
- 15 3. July 13, 2012: Last day for Parties to file Reply in support of
16 dispositive motion;
- 17 4. August 10, 2012: Hearing on Motions.

18
19 Respectfully submitted,

20 DATED: May 2, 2012

BOLT · KEENLEY - ATTORNEYS AT LAW

21 By: /s/ James P. Keenley

22 James P. Keenley
23 Attorneys for Plaintiff
24
25

26
27 ¹ Plaintiff intends to file a Motion for Judgment under Federal Rules of Civil Procedure Rule 52, rather than a
28 Motion for Summary Judgment. Defendant objects to Plaintiff filing a Motion for Judgment under this briefing
schedule, as the Court's April 23, 2012 Further Case Management and Pretrial Order specifically contemplated that
the Parties agree upon a briefing schedule on "motions for summary judgment." Defendant does not object to
Plaintiff filing a motion under Rule 52 after the motions for summary judgment are decided, if necessary.

1 Dated: May 2, 2012

LAFAYETTE & KUMAGAI LLP

2 By: /s/ Rebecca K. Kimura

3 REBECCA K. KIMURA

4 Attorneys for Defendant

AT&T UMBRELLA BENEFIT PLAN NO. 1

5
6 **[PROPOSED] ORDER**

7
8 Pursuant to the Stipulation above, the briefing schedule on the Motion for Summary
9 Judgment shall be as follows:

- 10 1. June 1, 2012: Last day for Parties to file dispositive motion;
11 2. June 22, 2012: Last day for Parties to file Opposition to dispositive
12 motion;
13 3. July 13, 2012: Last day for Parties to file Reply in support of
14 4. August 10, 2012: Hearing on Motions.

15
16 IT IS SO ORDERED.

17
18 Dated: 5/3/12

19 
20 HON. JOSEPH C. SPERO
21 United States Magistrate Judge

22 **CERTIFICATE OF SERVICE**

23 I certify that a copy of this document was served electronically on May 2, 2012, on
24 counsel of record in compliance with Federal Rule 5, Local Rule 5.6 and General Order 45, by
25 use of the Court's ECF system.

26
27 /s/ Rebecca K. Kimura

28 REBECCA K. KIMURA